UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1991/NGO/42
25 February 1991

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Forty-seventh session
Agenda items 11 and 21

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION

ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS

Written statement submitted by the International Institute of Humanitarian Law, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following communication which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[21 February 1991]

GE.91-11329/5606a

READEX
FICHE

DISSEMINATION OF INTERNATIONAL HUMANITARIAN LAW
AS EXTENDING HUMAN RIGHTS

1. During this 1991 session of the United Nations Commission on Human Rights, world attention is riveted on the armed conflict and the use of force undertaken with the authorization of the United Nations. This places in the foreground considerations of international humanitarian law in its most classic context, that of international armed conflict.

2. This law, as we know it today, was first formally instituted by the First Geneva Convention held in 1864. Since then it has been in constant evolution, in particular with the adoption of the four Geneva Conventions of 1949 and their Protocols of 1977. This has resulted from increased perceptions as to persons who are victims of armed conflicts, including methods and means of warfare, and to possibilities of creating laws that serve to alleviate suffering and to protect civilian populations, as well as from the need to keep the law abreast of new technologies of warfare and of evolving international law and State practices with regard to warfare and how it is conducted. For the effective application and development of international humanitarian law, it has been indispensable to organize its institutional dissemination. This means, as a priority, dissemination to governments, military personnel and organizations and persons involved in humanitarian activities, and also knowledge of humanitarian law which must reach the general public to sensitize it to these issues of human suffering and the possibilities for alleviating it.

3. The International Institute of Humanitarian Law at San Remo, founded over 20 years ago, has indeed had, as a central role, the dissemination and teaching of this law. This has been done in a variety of ways, but we will briefly mention here only the courses of instruction that the Institute has organized and given on a regular basis, usually at our facilities in San Remo. The most frequent and prominent of these courses have been those on military instruction for professional high-ranking military personnel from all countries of the world.

4. The general aim of our international courses on military instruction is to enable and to encourage participants to act within their sphere of responsibility in accordance with the principles and rules of international humanitarian law applicable in armed conflict; to make participants aware of the problems; to link the law of armed conflict theory with military realities and practice corresponding to the particular circumstances of each State concerned.

5. The modern humanitarian law with human rights standards has become more and more complex and difficult to transmit effectively to the members of armed forces. Its teaching has too often been marginal and casual, and results have been disappointing. It is important to integrate into the everyday life of military personnel the teaching of humanitarian law and respect for human rights in armed conflict situations. The respect and application of humanitarian standards has become a question of order and discipline. It is up to military commanders to ensure that members of armed forces under their command are aware of their obligations under the rules of international law.

6. Our Institute, in co-operation with the International Committee of the Red Cross, has organized, up to 1990, 35 courses with the participation of 1,300 military persons from 105 countries. This year we will organize five courses.

7. Other types of courses have been attended by students in their capacity as government officials whose duties in various ministries in which they were engaged included considerations of international humanitarian law. Refugee law has emerged as a distinct field but is often enmeshed with considerations of concern for humanitarian law and human rights so we also offer, with the co-operation of United Nations High Commission for Refugees, a course on refugee law for persons who are professionally involved in this area. Similarly, situations giving rise to human rights issues may also create concerns for international humanitarian law, so we offer a course on human rights which highlights areas where the two are or may be operative. This course is organized in co-operation with the United Nations Human Rights Centre with the financial help of the Italian government. Our dissemination activities have also extended, in a more general and varied way, to instruction at secondary school and university levels.

8. As the immediately above sketch indicates, international humanitarian law has been thrust into areas beyond its original one of armed conflict. But its core concern remains the innocent victims of overwhelming human and natural events, with physical human suffering being the central image. Yet its association with types of problems that are also of concern to human rights are also manifest in the matter of armed conflict, including the one which at the moment captures the attention of the world.